

IN THE FIRST ROUND.

**THE ANTI-TRUST LAW PARTLY KNOCKED
OUT BY JUDGE DILLON.**

The Court Sustains a Demurrer Filed by the Simmons Hardware Co.—Part of the Law Unconstitutional—Can a Corporation Testify Against Itself Should It Belong to a Trust?—What the Authorities Say.

The trust-trust law, drawing a black eye, figuratively speaking, in a decision rendered by Judge Dillon this morning. It was in the case of the State of Missouri at the relation of Circuit Attorney Ashley Clover against the Simmons Hardware Co. This is the test case to be made of the new law, and the progress is watched with great interest by a large number of corporations in this State and outside. If the law is not "knocked out" completely in the lower court, the respondents will appeal the case to the higher courts, and the Circuit Attorney Clover will lose no time in learning the opinion of the Supreme Court Judges. Judge Dillon's is the first decision in the State on any point of the law. Last December the State of Missouri, through the Simmons Hardware Co., asking them to make an affidavit saying the corporation was not a member of any trust, monopoly or combine whose object was to destroy competition and raise prices. The company refused to comply to the second order, and a writ was filed in the Circuit Court, asking the court to declare the charter of the company forfeited for not complying with the law. The Simmons Hardware Co. filed a demurrer to the writ, and Judge Dillon rendered the legality of the law, and on this Judge Dillon rendered his decision. It is as follows:

THE DECISION.

The petition is filed by the State of Missouri at the relation of the Circuit Attorney for this circuit. It alleges that the Stannards corporation is a corporation organized under the laws of Missouri in 1873, for the purpose of carrying on a general hardware and cutlery business in the city of St. Louis. The petition then sets out in full an act of the General Assembly of the State of Missouri, which was approved and went into effect May 18, 1889, which in its first, second and third sections forbids any corporation from certifying to the fact of its being incorporated into or becoming a member of any pool, trust, etc., and from issuing or holding any stock or shares in any corporation. The fourth section of the act found guilty of violating the terms of the act shall be punished by fine, and that any officer or agent of any corporation found guilty shall be punished by fine and imprisonment.

The fourth and fifth sections provide that contracts in violation of the provisions of the sixth section shall be void, and that the purchaser of any article from a company not meeting business contrary to the act shall not be liable to pay for the same.

The sixth section provides that any corporation organized under the laws of this State which shall violate any of the preceding sections shall forfeit its corporate rights and franchises, and its corporate existence shall thereupon cease, and the Secretary of State is required to address to the president, secretary or treasurer of every corporation incorporated and doing business in this State a letter of inquiry as to whether or not said corporation is guilty of any of the previously prohibited acts, and so

REQUIRE AN ANSWER
Under oath of the president, secretary, treasurer, or any other officer of said company, and on refusal to make oath in answer to said inquiry the Secretary of State shall immediately revoke the charter of said company and cause publication of said notification in four newspapers.

The seventh section makes it the duty of the secretary of state, upon satisfactory evidence being presented to him, to issue into any trust or combination prohibited by the trust laws notice to such company that unless it withdraws from such trust or combination its charter will be revoked at the end of thirty days.

The eighth section makes it the duty of the prosecuting attorneys and the Attorney-General to see that the provisions of this act are enforced.

The ninth and last section contains the provisions for the enforcement of the act, and makes it the duty of the Secretary of State on September 24, 1889, did address to the Simmons Hardware Company, and that the said company, its president, officers and directors refused to make said affidavit, and that the said company, its president, officers and directors on December 23, 1888, the Secretary of State, in pursuance of the provisions of said act, did make public notice of the refusal of the Simmons Hardware Co., and did make public notice of the same in four newspapers published in said act.

The petition concludes by saying that the said affidavit and revocation and publication as aforesaid, said Simmons Hardware Co., continues to carry on business as a corporation, and that the said company's charter has been revoked and that the said company is entitled to the same privileges and franchises of a corporation.

WHAT THE DEMURROR CONTAINS.

The demurror contains six specifications, the first of which is that the act is unconstitutional of said act of the General Assembly. But of these we need consider only those which are material to the question at issue so far as it requires the President, Secretary and Treasurer of said company to make and transmit to the Secretary of State, in oath as to whether or not the company has any indebtedness to the State, and, in so far as it authorizes the Secretary of the State to forfeit or revoke the charter of the company, if the President or authorized officer to send such an affidavit to the Secretary of State.

The second specification of the demurror is general, and that the petition does not state facts sufficient to constitute a cause of action. It will be seen that the act does not require that the defendant company has done any of the things which by the act are forbidden. It merely requires that the company, in coming out the act simply alleges that the Secretary of State addressed to the defendant company an attorney's inquiry and that said corporation had done certain things which were prohibited by the act, and required an answer under oath to be made to said inquiry by the President, Secretary and Treasurer of said company, and that said corporation, its President, Secretary, Treasurer and Board of Directors failed to comply with the requirements of the act, and thereupon the Secretary of the State revoked the charter of said company, and under the act the charter of said company was null and void.

That part of the act authorizing the Secretary of State to revoke the charter on the ground that the company had failed to comply with the act to make the required act is said to be unconstitutional of the act of the Legislature, in violation of the provisions of a judicial function.

in violation of that provision of the constitution which vests the powers of Government into three departments—the Legislative, Executive and Judiciary. The Government is clothed with the exercise of powers properly belonging to the Executive, and the power properly belonging to either of the other two.

WHAT THE AUTHORITIES SAY.

The authorities all agree that the forfeiture of the charter of the Erie Railroad is an act of expropriation, so it follows that the Legislature itself could not legally declare a forfeiture of the charter. The Attorney General, in his opinion, does not designate that power to the Secretary of State or to the Governor.

The Circuit Attorney concedes this, and frankly states that he does not claim that the Governor has the power to declare the charter of the Erie Railroad forfeited. The Secretary of State in declaring the charter this company revoked. But while he thus disavows the power, he nevertheless concedes that the State has the power to expropriate, brought the corporation into a state of competent jurisdiction and that this power is not limited to the purpose of being permitted to return for the purposes of restoring and revoking the charter, but of restoring and revoking the charter of the company. Having the question as to

On such a judgment, let us see what the substance of the petition after filing, as we must do in this view of the case, all allegations as to the action of the Secretary of State in declaring this charter revoked. The only charge or complaint of any kind remaining against the company is that the Secretary of State required of it this affidavit, and that it was refused, and the company asked to forfeit its charter for this cause alone.

The defendants contend that the act does not make the failure to make this affidavit

We are prepared to show the most extensive assortment ever brought to this city in Royal Wiltons, Axminsters, Moquettes, Body and Tapestry Brussels, Three-Plys and Kidderminster Ingrains.

Very Elegant New Effects of Oriental and Domestic
ans, Daghasan, Carabaugh, Circassian, Oushak,
Smyrnas. The Most Magnificent Line ever exhibited

—Portieres in Chenilles, Flax Velours, Shelia, in all plain colors as well as bordered and fringed top and bottom. Silk Curtains, New Lace in Casaban, Renaissance Brussels Swiss Tambour Nottingham

ALL NEW SPRING GOODS. COME AND SEE THEM

Juncker & Senar

NORTH FOURTH STREET.

[illegible]

ALTON, ILL.

The Bluff Line Extension—Y. M. C. A. Approving—Items of Interest.

J. E. Sullivan of Belleville was in the city to-day on business.

Mr. Frank C. Walters, a young architect from Quincy, is in the city drawing up some plans for new buildings here.

Mr. C. F. Child, Assistant State Secretary of the Y. M. C. A. for Missouri, was in the city Sunday and conducted some interesting services at the Association hall here.

For the cure or prevention of Grippe take Dr. Enno Sans Tenfold Carlsbad Water, proper hot water.

RAILROAD NEWS

B. Porter, Jos. Cossens, last evening he is en- the city, he Charles H. rock County

Wm. McCarthy was tried in the police court yesterday for breaking into the warehouse of Z. B. and was bound over for the Circuit Court under a \$300 bond.

The Bluff Line has about seventy-five men at work on its extension along the river bank to Esiah, and it is intended to finish the work by May 15.

City Councillor McGinnis has been requested by the city engineer to take action on a resolution which shall govern the matter of street paving, which is to begin as soon as the weather permits.

Under the energetic management of the new Secretary, Mr. W. W. Smith, the Y. M. C. A. has been able to attract a large number of members have been received lately, and the church is now in a position to do good work.

As a result of the good evangelical work done at the Presbyterian Church during the past year, the church has been able to attract a large number of members have been received into the Church. The members feel greatly strengthened and are now in a position to do good work.

The following real estate transfers were recorded in the office of the Recorder of Deeds in block 14, Hunter's North Liberty addition; A. E. Richmond to F. Vobranchi, \$125.00; A. E. Richmond to F. Vobranchi, \$125.00; A. E. Richmond to C. Metetrink, \$125.00.

Street in Brumhall's subdivision, Lyman Trumbull to Joseph Lutz, \$125.00.

Street in Brumhall's subdivision, Lyman Trumbull to Joseph Lutz, \$125.00.

subordinates active tasks and re- have been of reliable

tion to Mrs. L. E. Bradshaw, 505
Lot at the intersection of Seventh and
Langdon streets. L. Storr to Wesley Beall,
\$1,000.

It now appears that the Alton bridge is to
be finished after all. The charter, it is
claimed, has been bought by the C. B. & Q.
and this company intends to build the bridge
during the summer. People here are much
satisfied with the prospect.

A. R. E. R. has been circulated through the
Eau Claire, Wis., March 11

a popular young man of 18, of
Dr. J. P. Dudley, pastor of the
national church, was named
her by ten classmates at the W
School yesterday afternoon.
years, had been tardy Friday

press to the effect that Bishop Bowman of the Methodist Episcopal Church had been deposed for unchristian conduct. This is erroneous. It was Bishop Bowman of the Emmanuel Evangelical Church who was deposed. This report was a cruel shot at a

The lecture delivered at Root's Opera-house last night, by Dr. F. W. Gensdau, was a rare literary treat. A crowded house was present and every one was delighted with the success of the evening.

The County Court convened this morning at Edwardsville, with Judge B. H. Burroughs presiding. The first case was a light docket to be disposed of this time.

Contributed to the

Reduced Rates to the West.

\$5.00 St. Louis to Kansas City.
\$6.00 St. Louis to St. Joseph.
\$9.00 St. Louis to Council Bluffs.
\$8.25 St. Louis to Omaha.
\$6.00 St. Louis to Atchison.

In the Second District Police morning John Nagel committed the same atrocious crime as the City Marshal, in consequence of which he was hanged by them last night.

Via the "Burlington Route." Through

Now Is the Time

known Jews, about 21 years of age, was found yesterday in the cellar of an old brick house on Eldridge street by an old woman whose room occupies the first floor as a shop. The body was partly covered by a sheet of paper, and had evidently been there for some time. It is thought that the woman was

received
no trace of
be found.
in the dispo-
yet been

the wife of Isaac Jacob, who recently killed
Herman Bogozinski and also shot the latter's
wife, then committing suicide. Jacob was
janitor of the building.

Mrs. WINKLOW'S Soothing Syrup for children
teething gives quick helpful rest; 25c a bottle.

build up the system, purify the
biliousness and headache, a
tired feeling and create a good

Hood

Suffering Indians.
MINNEAPOLIS, Minn., March 11. — Bishop Shanley of the Catholic Diocese of North Dakota was interviewed in Minneapolis and graphically described the condition of the 1,300 Indians on the Turtle Mountain Reservation who are able to live on the reservation.

Mr. Frank C. Walters, a young architect from Quincy, is in the city drawing up some plans for new buildings here.

Mr. C. F. Child, Assistant State Secretary of the Y. M. C. A. for Missouri, was in the city Sunday and conducted some interesting services at the Association hall here.

For the cure or prevention of Grippe take Dr. Enno Sans Tenfold Carlsbad Water, proper hot water.

B. Porter, Jos. Cossens, last evening he is en- the city, he Charles H. rock family

City Cosselor McGinnis has been requested by the authorities to draw up an ordinance which shall govern the movement of street cars in Chicago, beginning with the weather service sufficiently for the work.

Under the energetic management of the new Secretary, Mr. W. W. Smith, the Y. M. C. A. has been able to attract a large number of members have been received lately, and the sign of prosperity marks all its actions.

addition, Nancy McLaughlin to Mack Emery; \$300.
 Lot 1 in Manufacturing Co.'s addition, Webster to L. J. Renault; \$700.
 Highland Park, Altco Improvement Association to Mrs. L. J. Bradshaw, \$50.
 Lot at northeast corner of Seventh and Langdon streets, L. Stohr to Wesley Beall, \$100.
 EA CLARET, Wm., March 11 1900.

press to the effect that Bishop Bowman of the Methodist Episcopal Church had been deposed for unchristian conduct. This is erroneous. It was Bishop Bowman of the Emmanuel Evangelical Church who was deposed. This report was a cruel shot at an innocent man.

A letter delivered at Root's Opera-house

10/16/1897
AUGUST 14, 1897.
JAMES W. BOWMAN,
BISHOP OF THE METHODIST EPISCOPAL CHURCH,
ST. LOUIS, MO.

The following is a copy of a letter which was received by James W. Bowman, Bishop of the Methodist Episcopal Church, St. Louis, Mo., from the Rev. J. H. G. Rogers, D.D., President of the Board of Christian Education, New York City, N.Y., dated August 14, 1897.

Dear Sir:

I have just received your letter of the 10th inst. regarding the case of the Rev. J. H. G. Rogers, D.D., President of the Board of Christian Education, New York City, N.Y., dated August 14, 1897.

I am sorry to hear of the trouble you are having with him. I hope you will be able to settle it soon.

I am, Sir, very respectfully,
Your obedient servant,
James W. Bowman.

P.S. - The enclosed is a copy of a letter which was received by me from the Rev. J. H. G. Rogers, D.D., President of the Board of Christian Education, New York City, N.Y., dated August 14, 1897.

Enclosed is also a copy of a letter which was received by me from the Rev. J. H. G. Rogers, D.D., President of the Board of Christian Education, New York City, N.Y., dated August 14, 1897.

Very truly yours,
James W. Bowman.

J. H. G. ROGERS, D.D.,
President of the Board of Christian Education,
New York City, N.Y.

RECORDED & INDEXED
SEP 1 1897
U. S. DEPT. OF JUSTICE

Reduced Rates to the West.

\$5.00 St. Louis to Kansas City.
\$6.00 St. Louis to St. Joseph.
\$9.00 St. Louis to Council Bluffs.
\$8.25 St. Louis to Omaha.
\$6.00 St. Louis to Atchison.

In the Second District Police morning John Nagel committed the same atrocious crime as the City Marshal, in consequence of which he was hanged by them last night.

Via the "Burlington Route." Through

known Jews, about 21 years of age, was found yesterday in the cellar of an old brick house on Eldridge street by an old woman whose room occupies the first floor as a shop. The body was partly covered by a sheet, and had evidently been there for some time. It is thought that the woman was

Suffering Indians.
MINNEAPOLIS, Minn., March 11. — Bishop Shanley of the Catholic Diocese of North Dakota was interviewed in Minneapolis and graphically described the condition of the 1,500 Indians on the Turtle Mountain Reservation who are able to live on the reservation.

FINANCL

[illegible]

AYLORD. JOHN H. BLESSING.

RD, BLESSING & CO.,
and Bond Brokers, 307 Olive St.
is a specialty of State, County, City and
and carry a full line of choice Bonds for

RAILROAD STOCKS.
connected by private wire with Jones,
Hopkins of New York and Chicago and
to execute orders for the purchase and
road stocks and bonds for cash, and we
the same on margin. Our facilities for
quick and reliable information are unsur-

M. HUSTON & CO.

ds and Stocks, 305 Pine St.
quotation circular mailed free. For list of
for sale see our card in Sunday paper.

OS WHITAKER. CHAS. HODGMAN.

WAKER & HODGMAN,

Successors to

MATTHEWS & WHITAKER,

& STOCK BROKERS,

FOURTH ST., - St. Louis.

DER BROS.,
MR. GEORGE BROOKER

BOND AND STOCK BROKERS,
305 N. 3D ST., ST. LOUIS, MO.
We are a specialty of buying and selling **Trust**
Securities. Telephone 1308.

MONEY.

New York Stock Quotations.

Whitaker & Hodgman, successors
to Whitaker, bond and stock brokers,
Fourth street, St. Louis, Mo.
St. Louis, Mo., March 11.

U.S.	N.Y.	A.M.	P.M.
100	100	100	100

	O	H	L	S
.....	34 1/4	34 5/8	34 1/4	34 1/2

... Jersey	70	70	70	70
... Trust	434	444	438	444
... O.	317	314	311	314
... M. & O., pld.	808	808	808	824
... & P.	104	105	104	104
... P.	674	684	674	684
... & P., pld.	114	114	114	114
... Co.	1094	110	1094	110
... Trust, new stock	274			
... Trust, old stock	1364	137	1364	1364
... Hanna & Western	1504	1504	1504	1504
... Indian				
... Rio Grande				
... Gas com.	254	281	254	254
... Gas pld.				
... Gas pld.	1014	1014	1014	1014

[illegible]

Western, pfd.	63	654	63	634
.....	100%	100%	100%	100%
Nashville	83	83	83	83
.....	18	18	18	18
Central	73	73	73	73
.....	73	74	73	74
Palo Alto	100	100	100	100
Elevated	100	100	100	100
New England	44	44	44	44
Central	107	107	107	107
Eastern, com.	107	107	107	107
Western, pfd.	73	73	73	73
Cincinnati, com.	73	73	73	73
Sacramento	73	73	73	73
Trans.	36	36	36	36
.....	36	36	36	36
& Trans.	24	24	24	24
.....	24	24	24	24
Com.	37	37	37	37
.....	37	37	37	37
Natural & Evansville	39	39	39	39
.....	39	39	39	39

uth, pld	677	687	677	68
--------------------	-----	-----	-----	----

1st pld	.....	.....	.....	.....
Adm	.....	.....	.....	.....
M	.....	.....	.....	.....
Coal & Iron	.....	.....	.....	.....
.....	85	87 1/2	86	86 1/2
.....	204	204	195	200
.....	62 1/2	63 1/2	62	63 1/2
.....
P. pld	.....	.....	.....	.....
.....	26 1/2	26 1/2	26	26 1/2
.....	82 1/2	82 1/2	82	82 1/2
.....	105 1/2	.....	.....	106 1/2

Wall Street.

March 11, 11 a. m.—In the stock market today all was excitement in heading away, although the dealings in the still heavy and cash deliveries commenced over one hour before the opening time. This difference was afterward lost, and toward the close of the hour it was over. Unusually active was the day which there was any animation, and this

cases. Reading opened down $\frac{3}{4}$ at $38\frac{1}{2}$, but afterward rallied to

at 4:30 a. m. to shade under the opening prices of the day, becoming dull with the remainder of the morning. Toward 11 o'clock the market rallied, the low-priced shares making a small fraction, but recovered later, and the market closed with a stronger tone. At 10 o'clock the market was again dull, about 90 per cent of the volume being in the hands of the speculators. The market is easy at 4:05 p. m. But otherwise, the movement of the equities in leading being in the market, there was more character in the dealing than in the opening. Toward 11 o'clock, the firm tone still prevailed, a general upward movement took place, and the market was again dull. Toward 4:00 a. m. and a few of the low-priced shares improvement was made. Union Pacific, Great Northern and Wisconsin were the advance in the others. The gains in the six extended to 3 per cent, but the gains in the others were smaller. The market was dull and steady to firm, generally at 4:05 p. m.

Calumet 252@255; Allouez 24@31

March 11, 4 p. m.—Consols closed at
109.1 and 97 1/8 for the account. A:
103 1/2; Canadian Pacific, 75 1/2; Erie, 25;
104 1/2; Illinois Central, 11 1/2; Mexican
Pacific common, 6 1/2; New York
Central, 10 1/2; Pennsylvania, 50; Reading, 10 1/2;
St. Paul, 10 1/2; Union Pacific, 10 1/2;
Western Union, 10 1/2.

Local Bonds.

Daily by James Campbell, Broker, 307
Pine street.

U. S. BONDS.

When Due.	Interest Payable.	Bid.	Ask.
1891 U. S. D. & T. 104		108	
1907 U. S. A. J. & O. 104		108	109

LOCAL CITY AND COUNTY BONDS.

1895	June and Nov	100	100
------	--------------	-----	-----

[illegible]

